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OFFICE OF PETITIONS

In re Application of
Kooyker, et al.
Application No. 10/525,474
Filed: February 23, 2005
Attorney Docket No. NL 020791

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed July 31, 2007..

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.137(b)." No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a **proper** response to the final Office action mailed March 29, 2006, which set a shortened statutory period for reply of three (3) months. On May 10, 2006, applicants filed an amendment. However, by Advisory Action mailed May 24, 2006, the examiner informed applicants that the amendment would not be entered because it failed to place the application in condition for allowance. No further proper response having been received, the application became abandoned on June 30, 2006. A courtesy Notice of Abandonment was mailed on July 5, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition lacks item (2), the required reply. The amendment submitted with the petition does not place the application in condition for allowance.

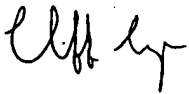
On renewed petition, petitioner must submit a proper reply in response to the final Office action mailed March 29, 2006. The proposed reply to a final Office action required for consideration of a petition to revive must be either (1) a Notice of Appeal (and fee required by law); (2) an amendment that *prima facie* places the application in condition for allowance; (3) the filing of a continuing application under 37 CFR 1.53(b) or if applicable, 1.53(d); or (4) a request for a continuing examination (RCE) under 37 CFR 1.114.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
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Office of Petitions